

**COMMISSION ON ENVIRONMENTAL JUSTICE  
MEETING NOTES  
NO QUORUM**

**Wednesday, February 28, 2018 (10:30 am – 12:00 noon)**

**I. Welcome**

**A. Kimberly Wasserman – Chair**

**II. Introductions**

**A. Teleconference**

- i. David McEllis - ELPAC
- ii. Brian Urbaszewski – Respiratory Health Association
- iii. Al Grosboll – ELPAC
- iv. Judith Nemes - ELPAC
- v. Veronica Holloway – IDPH
- vi. Sabrina Hardenbergh – Sierra Club

**B. Videoconference in Springfield**

- i. Donavon Griffith – Illinois Manufacturer’s Association
- ii. Kent Mohr - IEPA
- iii. Crystal Myers-Wilkins - IEPA
- iv. Commissioner Chris Pressnall - EPA
- v. Victoria Martin – IEPA
- vi. Alec Davis – Illinois Environmental Regulatory Group
- vii. Gregory Norris – Illinois NAACP
- viii. Brad Frost – IEPA
- ix. Amy Roderick - IEPA

**C. Videoconference in Chicago**

- i. Chair Kim Wasserman - LVEJO
- ii. Commissioner Keith Harley – Chicago Legal Clinic
- iii. Stephanie Bilenko – Nuclear Energy Information Services
- iv. Juliana Pino - LVEJO

**III. Approval of Agenda**

- A. Motion to approve: Commissioner Harley**
- B. Seconded: Commissioner Pressnall**
- C. Motion carried**

**IV. Presentations/Discussions:**

**A. Volkswagen Settlement – Brad Frost**

- i. Frost started with background information regarding the settlement
  - 1. The settlement arose after VW was caught cheating on diesel emission standards by the state of California. Software had been installed in certain vehicles to display lower emissions than the vehicles were emitting.
  - 2. The allotted funds fall into three categories:
    - a. Recall & Repair of Affected Vehicles
    - b. ZEV – Zero Emission Vehicles
      - i. Chicago was selected as one of 11 target zones in US

- ii. Much of this category relates to long-distance chargers on highways; many Illinois highways are selected
  - c. Environmental Mitigation Trust Fund - state development of Beneficiary Mitigation Plans (BMP)
- ii. Regarding the Draft Beneficiary Mitigation Plan (BMP)
  - 1. Frost stressed that the plan can be changed and that it is project-based.
  - 2. He noted that the distribution of affected cars was taken into consideration when drafting the plan.
  - 3. The Chicago area and Metro East St. Louis will receive the majority of funding due to their higher concentration of affected vehicles
    - a. 69% were located in Chicago area
    - b. 5% in the metro East area
    - c. 7 counties have more than 1% of total affected VWs
  - 4. The draft has three goals
    - a. Reduce NOx (Nitrous Oxide) in areas where affected VW vehicles are registered considering areas that bear disproportionate share of air pollution burden, including EJ areas
      - i. Looked to ozone non-attainment areas
        - 1. Moderate (Chicago)
        - 2. Marginal (metro East)
      - ii. The plan currently states funding for:
        - 1. On-road projects up to 20%
        - 2. All-electric school bus projects up to 10%
        - 3. Off-road projects up to 65%
      - iii. Anticipate up to 1800 tons of NOx reduction
    - b. Maximize emissions reductions
    - c. Maximize funding
  - 5. Matching: Private organizations vs. Public organizations
    - a. Public organizations will need to match at least 25% of their proposed funding
    - b. Private organizations will need to match at least 50%
  - 6. Within the terms of the VW settlement, plans are allowed to designate up to 15% for administrative expenditure. However, the draft plan only designates 5%.
  - 7. Comment period on Draft BMP will last until April 13<sup>th</sup>
  - 8. Goals of BMP Survey
    - a. Allow Illinois EPA to know what project ideas are out there
    - b. Check that BMP aligns with priorities of Illinoisans

## B. Comments on VW Discussion

- i. **Commissioner Harley:** 2008 or 2015 asked to be re-designated as in compliance?
- ii. **Frost:** 2008 standards
- iii. **Commissioner Pressnall:** remarked that IEPA publicly released EJ START mapping tool
- iv. **Donovan Griffith:** IEPA only provide funding for priority areas?
- v. **Frost:** yes, that is how it is currently written
- vi. **Chair Wasserman:** We've heard that Director Messina had promised to have conversations about VW around the state. What happened?
- vii. **Frost:** I don't want to speak for Alec. General information about VW is on the website. I supposed we could have done more outreach but IEPA was not the

- designated beneficiary until recently. Also, IEPA needed to gather information on emissions from mobile sources.
- viii. **Chair Wasserman:** Regarding the timeline that you have on your website, is today's conversation part of the public outreach?
  - ix. **Frost:** Well, not necessarily – we're looking for comments in writing
  - x. **Chair Wasserman:** Then you need to come back and accept written comments because the submission of written comments is not practical for all communities
  - xi. **Frost:** I'd welcome coming back.
  - xii. **Juliana Pino (LVEJO):** I'm having a little bit of trouble understanding the timeline here – is there a deadline for spending the money? Other states have had more outreach - almost a year – can you speak to the process of public outreach you say IEPA is looking for? Need to add more time to allow for public input.
  - xiii. **Frost:** We became the lead agency on January 29<sup>th</sup>, starting public outreach process now. The draft BMP is an easily readable document.
  - xiv. **Pino:** Disadvantaged communities need more time to participate in the way you're looking for. It's not an acceptable to say, "We've put the info out there." Other states allowed oral testimony. Need to host public meetings. The window of time is too short.
  - xv. **Hardenbergh:** How will public comments be incorporated?
  - xvi. **Frost:** That's why the timeline is pretty vague – it all depends on how many comments we receive.
  - xvii. **Chair Wasserman:** Then is there a chance of expanding the comment period?
  - xviii. **Frost:** I was talking about the time we have to receive comments. I think we've only given ourselves 30 days to review the comments.
  - xix. **Chair Wasserman:** So is there a deadline to spend the money?
  - xx. **Frost:** No – there is a 10 year deadline for spending the \$108 million, but we do want to reduce NOx emissions relatively soon.
  - xxi. **Grosbell (ELPC):** Why did it take so long to take public comments? Just because you weren't the designated agency? Other states were similarly not notified of their lead agency, yet had outreach. Why do you refuse to do public listening?
  - xxii. **Frost:** My point was that we as an agency have never regulated mobile sources. It's helpful if we first have information to give people prior to public outreach.
  - xxiii. **Mohr (EPA):** I think it's important to note that the agency doesn't have a negative outlook towards public outreach. We're quite positive about the effect that this plan could have on NOx emissions and we believe that the public can become better educated by reviewing and commenting on it. Also, I think it's important to note that this isn't uncommon for public outreach. When we have air permitting projects, we don't reach out to the public until we have a plan, and that ensures that we receive substantive, meaningful comments about the draft.
  - xxiv. **Pino:** I don't think we're debating if the agency has a positive outlook regarding public outreach. I do believe that this report is very well put together. If you're looking for substantive & meaningful input, 45 days is inadequate. Had public outreach been conducted prior to releasing the report, organizations could have held pre-meetings. We've heard that the Director had pre-meetings with interested parties. Why weren't Environmental Justice organizations included in pre-meetings? Why can't we have substantive public outreach?
  - xxv. **Frost:** We weren't having pre-meetings. We fielded some calls, but they were coming to us – we weren't going to them.
  - xxvi. **Pino:** I think this meeting shows who hasn't been reached in the EJ community.

- xxvii. **Groswell:** I'm not saying that the agency doesn't have a positive outlook on public outreach but the process has not been open so far. Still opportunity to have public process.
- xxviii. **Commissioner Harley (Chicago Legal Clinic):** The draft BMP focuses on NOx, are co-benefits factored in?
- xxix. **Frost:** It's maximizing NOx reductions and have not factored in co-benefits. There will be PM, GHG and VOM reductions.
- xxx. **Commissioner Harley:** VOM (Volatile Organic Material) is important because it's a pre-cursor. As far as maximizing reductions in the project, I think it's important to quantify co-benefits as well as NOx reductions. Regarding the aggregation of VW vehicles in Southeast Chicago, what's being done to make sure the vehicles are remediated and properly repurposed?
- xxxi. **Frost:** I may have to look into it; we're aware of the aggregation.
- xxxii. **Mohr:** The agency issued a VN and it's been referred to the Attorney General's office.
- xxxiii. **Chair Wasserman:** Regarding the 45-day period for comment, I don't think that's sufficient for all people to understand, classify, and submit their proposals. Also the ramifications of the 50% match will likely have an impact on those proposals and discussions within interested parties.
- xxxiv. **Frost:** We've talked about doing workshops for potential applicants. I'm not committing to that, just mentioning the idea. We recognize that not everyone is going to be ready in Round 1, but there will be funding and time.
- xxxv. **Mohr:** 50% cost share is for private projects
- xxxvi. **Chair Wasserman:** I think the agency should look into translating the Draft BMP into other languages, and not just Spanish.
- xxxvii. **Chair Wasserman:** Could you expand on cleaner diesel?
- xxxviii. **Frost:** To replace old diesel with newer diesel engines. New diesel is much cleaner and there's money set aside for cleaner diesel. Also, alternative fuels such as propane, CNG, hydrogen and electric
- xxxix. **Mohr:** Definitely with respect to alternative fuels.
- xl. **Urbaszewski:** there is the VW strategy and DERA strategy. Locomotives require Tier 4 engines, is that what IEPA is committing to?
- xli. **Mohr:** yes, those are the requirements
- xlii. **Griffith (IMA):** I'd like to say, "Kudos," for a well laid-out plan. Additionally, I think there are lots of people who are going to be reached by the website.
- xliii. **Davis (IERG):** In my 10 years, I think this is one of the best plans that I've seen.
- xliv. **Grosboll:** What about Electrify America and East St. Louis?
- xlv. **Frost:** St. Louis is not listed as a priority in the settlement with regards to Electrify America. However, I-55, I-70, and I-64 are. Currently accepting comments on Cycle 2 plan
- xlvi. **Nemes:** I think some present would take offense at this being deemed the greatest roll-out in the state. That being said, I do appreciate the turn towards Electric School Buses. Also, Alec [Messina] couldn't answer this, but maybe you can. Would VW dollars be delegated to companies who are legally compelled to clean up their operations?
- xlvii. **Frost:** No, they would not.
- xlviii. **Hardenbergh:** Would any of these funds be delegated towards long-range commuter transportation?
- xlix. **Frost:** Right now we're only proposing to fund locomotives that stay in a Priority Area. But if you'd like to see something else, you should submit a comment to our website.

- l. **Nemes:** Do trucks have to stay in a priority area? How will you enforce this?
- li. **Frost:** It would be contractual condition.
- lii. **Mohr:** It's just like CMAQ (Congestion Mitigation and Air Quality Improvement Program), which funds trucks and busses.
- liii. **Nemes :** How will IEPA calculate new diesel emissions? Some calculations suggest that the emission estimations are too low.
- liv. **Mohr:** We're aware of the problem and we're looking into it.
- lv. **Chair Wasserman:** Brad, would you be available for a special EJ Commission call in 2-3 weeks? I think that as a commission, we should be getting information as much as possible and providing feedback to the agency.
- lvi. **Griffith:** Are we asking that the EJ Commission serve as a Public Meeting?
- lvii. **Chair Wasserman:** No, but our calls are open.
- lviii. **Frost:** What would you like me to speak about at that meeting?
- lix. **Chair Wasserman:** What you went through with us today and any updates as well as how comments are being taken.
- ix. **Griffith:** Is this plan focused on projects in EJ areas?
- lx. **Frost:** That's the way it's currently written.

### C. Update on draft Long-Term Renewable Resources Procurement Plan

- i. **Commissioner Pressnall:** On Monday, the Illinois Commerce Commission released a proposed order. The ICC highlighted concerns of environmental and EJ groups. I know that we as a commission were really zeroed in on defining an EJ community, and it doesn't look like we had any negative comments regarding our definition.
- ii. **Commissioner Harley:** I find it commendable to the hard work of commission members that no objections were received on the definition of an EJ community.
  1. Profound burden on consumer protection.
  2. There was no quorum at that meeting, so there are no official Commission comments, but individual commissioners did make comments and the ICC did adapt comments from groups affiliated with commissioners.
- iii. **Pino:** 50% baseline level of savings should be passed on to households. Previous plans allowed developers to recuperate most of the savings.
  1. Also of note is that cooperatives and municipalities are not included
  2. Do rural communities have the right to statewide programs if they don't take part in the program because they are unable to? I think that's an important concept for us to consider moving forward.

### D. Appointments update – Commissioner Pressnall

- i. We're getting closer on getting appointments.
- ii. It is anticipated that people will be reappointed if they've been continuing to participate despite not being officially recognized.
- iii. There is an individual from East St. Louis who plans to join the commission
- iv. We will still have some appointments available after the anticipated appointments

## V. New Business

### A. No New Business

## VI. Old Business

### A. No Old Business

## VII. Open Discussion/Questions

- A. Chair Wasserman: ICC order came out yesterday and I highly recommend that the commission take a look.

**VIII. Next meeting date and location**

- A. **Chair Wasserman:** I'll send out a doodle poll to schedule our next meeting.

**IX. Adjournment**

- A. **12:18 pm**